UN

UNITED
NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/319/Add.1
10 February 1997

ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Thirteenth periodic report of States parties due in January 1997

Addendum

Denmark*

[7 January 1997]

* This document contains the thirteenth periodic report due on 8 January 1997. For the tenth, eleventh and twelfth (consolidated) periodic reports of Denmark and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/280/Add.1 and CERD/C/SR.1137-1138.

The information submitted by Denmark in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.58.

GE.97-15648 (E)

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Introduction

1. This report is submitted in pursuance of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination which entered into force with respect to Denmark on 8 January 1972. It is organized in conformity with the general guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the Convention (CERD/C/70/Rev.3), and concentrates on updating information since the submission of the tenth, eleventh and twelfth periodic reports as contained in document CERD/C/280/Add.1. Reference is also made to core document HRI/CORE/1/Add.58.

Article 2

2. The Danish Government welcomes the increased attention to racism and racial discrimination during the last couple of years.

Integration Committee

3. On 5 December 1994 the Minister for the Interior set up a committee on the integration of Bosnian war refugees, refugees and immigrants (the Integration Committee).

4. The first task of the Committee was partly to prepare a special integration programme for the approximately 17,000 Bosnian war refugees who were expected to be granted asylum or residence permits in Denmark, partly to submit proposals on the placement of Bosnian war refugees as regards housing. The Committee concluded the first part of its work in July 1995 with the publication of a report entitled "Integration af bosniske krigsflygtninge i Danmark" ("Integration of Bosnian war refugees in Denmark").

5. The task of the Committee is now to identify the integration work in relation to refugees and immigrants admitted to Denmark with a view to formulating an overall integration policy. In this connection the Committee is to map out the problems relating to integration of refugees and immigrants and propose solutions, including, to the extent it is deemed necessary, initiatives requiring amendments to existing legislation. The Committee expects to submit its recommendation in the beginning of 1997.

6. It is too early to predict the conclusions of the Committee, but generally speaking the basis of the Committee's work is that the overall objective of Danish integration policy is to ensure refugees and immigrants the possibility of participating on an equal footing with other citizens in the political, economic, social and cultural fields of society. At the same time refugees and immigrants should be able to maintain and develop their original cultural distinctiveness or identity.

7. Among the specific initiatives considered by the Committee is the formulation of a common minimum standard for the integration effort offered to refugees and immigrants by either local or central Government. Another initiative under consideration is whether it is possible to set up user boards in the local authorities to ensure that refugees and immigrants contribute to the integration effort at the local level to a wider extent than today.

8. Moreover, the Committee is presently examining and mapping out the special needs and problems in relation to children and young people and the elderly from ethnic minorities in relation to day-care centres, training, education, other social services, etc. Finally, the Committee is examining and mapping out the special problems of refugees and immigrants in connection with the attachment to and participation in the labour market as well as the placement in Denmark as regards housing.

Funds

9. The Ministry of the Interior manages three appropriations for the advancement of integration of refugees and immigrants in Denmark and for the combat of racism and xenophobia. One appropriation gives assistance to the operation of ethnic associations with activities promoting integration between ethnic minorities and the Danish population, to umbrella organizations and to papers and journals. In 1996 an amount of DKr 3.2 million was allocated for this purpose. Another appropriation gives assistance to cultural and information activities for and about immigrants and refugees. In 1996 an amount of DKr 5.9 million was allocated for this purpose. Finally, there is a so-called experimental programme (see below).

10. The conditions for obtaining contributions towards operating expenses are that the organization must have existed for at least one year, that members must pay a small membership fee, and that the association must have a democratic structure. The appropriation for 1996 was applied as follows:

Assistance to 60 different associations of immigrants	DKr 1 309 000
Assistance to SAMSPIL (a journal)	DKr 1 216 000
Assistance to IND-sam (an umbrella organization)	DKr 400 000
Assistance to På Let Dansk (an easy-to-read newspaper in Danish)	DKr 200 000
Assistance to POEM (an umbrella organization)	DKr 75 000

11. Another appropriation gives assistance to cultural and information activities for and about immigrants and refugees. In 1996 an amount of DKr 5.9 million was allocated for the purpose. The appropriation for cultural and information activities is allocated by the Ministry of the Interior on the recommendation of an allocation committee appointed by the Ministry of the Interior. The Allocation Committee is made up of one representative from IND-sam (the Association of Ethnic Minorities), one representative from POEM (replaces the representative from the Immigrants' Confederation in Denmark), three representatives from the Council for Ethnic Minorities, one representative from the National Association of Local Authorities, three representatives appointed by the Minister for the Interior and two representatives from the Ministry of the Interior.

12. Aid is granted, for example, to events taking place locally in residential areas, to cultural events arranged by the local associations, to pilot projects such as the publication of newsletters in several languages, the start-up of shelters or local radio or TV stations and to conferences, including the reporting connected therewith. Moreover, aid is granted to exhibitions of ethnic art, to instruments for local associations and to amateur theatre productions. The Ministry of the Interior has decided to prepare up-to-date information material about the appropriation which will be sent to associations of immigrants and to the public at large.

13. Finally, there is a so-called experimental programme supporting special initiatives in the form of experimental projects within the area of refugees and immigrants. The appropriation amounted to DKr 14.9 million in 1996. The experimental programme has given assistance to projects such as the development of integration projects in the Baltic States, research projects, campaigns against racism in Denmark, etc.

Labour market

14. Reference is made to article 5.

"Icebreaker arrangement"

15. In 1996 and 1997 Danish businesses in the field of trade, service and production with up to 250 employees can be subsidized by the State if they employ a highly educated immigrant or refugee. The subsidy amounts to DKr 11,000 per month and is granted for a maximum period of six months for the first hired immigrant or refugee. The wages are agreed between the business and the new employee.

16. The arrangement is called the "icebreaker arrangement" and is meant to ease the businesses' possiblities of hiring highly educated immigrants or refugees. The immigrants and refugees are not only qualified by having a higher education, they also have knowledge of languages and cultural and business conditions, which can be helpful for the business if it wants to develop or consolidate activities on markets abroad. The "icebreaker arrangement" can be a means of guaranteeing that the qualifications of the immigrants/refugees can be of benefit to Danish businesses.

17. The arrangement is built upon the experiences of the "icebreaker arrangement" from 1994-1995 which subsidized smaller businesses so they could hire their first highly educated employee with an immigrant/refugee background. The arrangement was a success - more than half of the "icebreakers" are still employed in the businesses, and the businesses have experienced increased growth after having hired "icebreakers".

18. To participate in the arrangement the businesses have to fulfil certain conditions. By immigrants/refugees is understood persons resident in Denmark who have or have had citizenship in third-party countries (defined as countries outside the Nordic countries, the European Union, Switzerland and North America).

Government employment policy

19. The Ministry of Finance has the overall responsibility for the central Government's interests as an employer, and therefore also the responsibility for ensuring that the recruiting authorities respect acts and agreements in regard to employment.

20. In November 1996 the Ministry of Finance published the booklet "Etnisk Ligestilling På Statens Arbejdspladser" about equality of ethnic minorities in the central government. The aim of the booklet is to inform the recruiting authorities about the Act on Prohibition against Differential Treatment on the Labour Market, which came into effect on 1 July 1996. The Act contains a general prohibition against discrimination on the labour market due to race, colour, religion, political belief, sexual orientation or national, social or ethnic origin. Each ministry and each public institution has a special obligation to avoid discrimination in all aspects of working life, right from the situation of recruitment to the employment itself, as well as in regard to a possible dismissal. Furthermore, the aim of the booklet is to create a debate at the public workplaces about equality of ethnic minorities, and to make employers and employees more conscious of the integration of ethnic minorities at the workplace as a natural part of staff policies.

21. Ethnic minorities should have the opportunity to enter the labour market on equal terms with other citizens, and thereby be able to apply their knowledge, experience and other qualifications. It is important for the Government as an employer to contribute to this process.

22. The Ministry of Finance also takes part along with other ministries in a working group with the purpose of gathering and exchanging experiences and cooperating on ethnic staff policies.

Article 3

23. No additional information to previous reports.

Article 4

Section 266 b of the Penal Code

24. Section 266 b of the Penal Code, which is described in detail in Denmark's last periodic report (paras. 34-41), was amended by Act No. 309 of 17 May 1995 with the addition of a new subsection 2, according to which it must be considered an aggravating circumstance when meting out the punishment "that the count is in the nature of propaganda". The amendment entered into force on 1 June 1995. The purpose of the amendment was to increase the punishment for violation of section 266 b of the Penal Code, in particular to prevent Denmark from becoming a sanctuary for the dissemination of Nazi and racist propaganda. The purpose was furthermore a more efficient enforcement of section 266 b of the Penal Code through a change in the prosecuting practice of the prosecutors.

25. During the readings of the bill in the Danish parliament (Folketinget) it was declared that in these especially aggravated cases the prosecutors should not in future exhibit the same restraint with regard to prosecuting as previously. The prosecutors should be aware of the possibility of instituting proceedings on their own initiative although no complaint has been filed. This could happen, for example, when a case has been referred to in public. Approaches from NGOs, etc. should also be included in the considerations of the prosecutors concerning the issue of prosecution. However, the changed prosecuting practice does not change the fact that due consideration should still be given to freedom of speech when applying section 266 b of the Penal Code.

26. Whether "propaganda" is present in a specific case will depend on an overall assessment stressing in particular whether there has been a systematic dissemination of discriminating statements, etc., including dissemination to foreign countries, with a view to influencing public opinion. It could speak in favour of referring a count to section 266 b (2) if the violation was committed by several persons jointly, especially if the persons in question belong to the same party, association or other organization, and manifestations of the relevant nature form part of the activities of the organization in question. Also, a more extensive dissemination of statements may speak in favour of applying section 266 b (2). In this respect it is relevant whether the statements were put forward in a medium involving greater dissemination, for example a printed publication, radio, television or another electronic medium.

27. After adoption of the bill the Director of Public Prosecutions (Rigsadvokaten) informed the prosecutors - including the chief constables - of these declarations on the future prosecuting practice. To ensure a uniform prosecuting practice, the Director of Public Prosecutions has, in a Notice of 6 September 1995 (RM 4/95), laid down that in all cases of violation of section 266 b of the Penal Code where a charge has been brought, the question of prosecution must be submitted to the Director of Public Prosecutions. The Director must also be notified of all complaints rejected without any charge having been brought.

28. Charges have been brought in about 10 cases which had been presented to the Directior of Public Prosecutions according to the Notice of 6 September 1995. The Director of Public Prosecutions has refused to bring charges in five cases. Furthermore, the Director of Public Prosecutions has been given notification of 15 cases where the complaints filed have been dismissed.

29. In the period under review (1993-1996; cf. CERD/C/280/Add.1, para. 48) conviction for violation of section 266 b of the Penal Code occurred in four cases.

30. In the first case, two accused were sentenced to imprisonment for 60 days and 3 months, respectively, for having, in a number of cases, written and distributed fliers and having made statements of an insulting and degrading nature to persons of Jewish origin and to adherents of the Jewish faith, among others.

31. In the second case, four youths were sentenced to fines for having placed a burning cross in the road by a house occupied by Turks.

32. In the third case, a person was sentenced to a fine for having affixed a sign with the wording "I have nothing against Pakis, Turks and Blacks as long as they stay in the trees and shut up" to the rear window of his car.

33. In the fourth case a person was sentenced to seven days of mitigated imprisonment for violation of the Small Arms Act and section 266 b. The violation of section 266 b consisted in having written "Jewish swine" and having drawn a Star of David and a swastika on the doors of an immigrant's residence. The judgement states that the nature of the section 266 b count was found to necessitate imprisonment.

34. In one case two persons were charged with having distributed leaflets containing racist and Nazi propaganda close to two schools. They were both acquitted as it was not proven that it was they who had distributed the leaflets. The case has not been appealed.

35. Furthermore, in an Order from 1995, the Supreme Court decided on the lawfulness of a decision made by the Ministry of Justice on extradition to Germany of an American citizen who was charged in Germany with dissemination of Nazi propaganda. The Supreme Court found that there were strong grounds to charge the person in question for offences covered by the elements of crime described in section 266 b of the Penal Code, and that the provision in section 5 (1) of the Extradition Act laying down that extradition cannot take place for political offences did not constitute a bar to extradition.

Radio Oasen*

36. On 28 November 1995, a local radio station, Radio Oasen, run by a neo-Nazi association, received broadcasting rights to local radio broadcasting by the Committee concerning Local Radio and Television (Udvalget vedrørende Lokalradio og TV). The application for broadcasting rights had given rise to much discussion in the media, expressing a fear of dissemination of Nazi propaganda.

37. According to the Danish Broadcasting Act, a licence to broadcast locally may be issued to associations, companies, etc. which meet a number of formal requirements. If the requirements are fulfilled and free broadcasting time at a local frequency is available, the licence to broadcast locally cannot be denied. Censorship is prohibited no matter what points of view a local radio is representing. If the radio violates the law it will be held responsible afterwards. A licence to broadcast locally may be withdrawn if a radio violates the provisions of the Broadcasting Act, provisions laid down according to the Act or conditions of the licence.

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* Reference is made to, for example, paragraph 17 of CERD/C/SR.1138.

38. The licence issued to Radio Oasen has as a condition that the broadcasts of the radio must not contain any attack on or use terms of abuse towards particular sections of the population. The programmes must not in any way instigate hatred owing to race, sex, religion or nationality. If the radio violates this decision, the licence will be withdrawn immediately.

39. In September 1996, the local council decided to withdraw the broadcasting licence of the radio. The council had the impression that the radio's reading of Hitler's Mein Kampf on 7 August 1996 contained terms of abuse towards particular sections of the population. It has not yet been decided whether to institute proceedings according to section 266 b. The decision has recently been reversed by the Local Radio and Television Committee which found that the passages quoted made up only a small part of a long undramatic, unedited reading of a book which may be bought in a bookshop or borrowed from a public library. Considering the conflicting considerations regarding the freedom of expression and the fight against racism, the Committee was concerned to attach so much importance to the reading that it would justify a withdrawal of the licence.

Marketing Act

40. The Marketing Act was mentioned in the last periodic report (paras. 41 and 47). By Act No. 428 of 1 June 1994 a new Marketing Act was adopted, to take effect on 1 October 1994, but the provisions on punishment for incorrect, misleading or improper marketing, to which racist marketing can be referred, are unchanged in relation to the former Act.

41. Since submission of the last periodic report, the Consumer Ombudsman has considered one case that merits mention. It was about an insurance company that inserted an advertisement for travel insurance. On the first page the advertisement showed a drawing of three men in doctors' coats with stethoscopes around their necks, but of dark facial colour and turbaned. They were standing with their hands on their backs. The heading was "Sudden fever in New Delhi ... which hospital would you choose?" On the next page was a drawing of the same persons from the back. Two of them appeared very dirty and held a beer bottle or the like and a cigarette in their hands. Here the heading was "A call [to the insurance company] makes it easy to make the right choice". The Consumer Ombudsman notified the company that in his opinion the advertisement constituted a violation of the Marketing Practices Act, as the advertisement was improper and downgrading to Indian doctors and Indians in general. The company confirmed that in this light it would stop the advertisement.

Act on the Parliamentary Ombudsman

42. In the reporting period the Ombudsman has considered one case that merits mention. The case concerned a complaint from the Documentation and Advisory Centre on Racial Discrimination (Dokumentations- og Rådgivningscentret om Racediskrimination) about the fact that the Ministry of Labour would not intervene against the alleged contributory racial discrimination of the Employment Office (Arbejdsformidlingen). The Centre

stated that there were many examples of the Employment Office failing to procure work for non-Danish speakers and immigrants in situations where the employers stated that they only wanted ethnically Danish manpower referred to them.

43. The Ombudsman issued a provisional statement in the case. Here the Ombudsman stated that the Ministry of Labour could consider preparing a code on how the Employment Office staff was to react when confronted with discriminatory requirements from both public and private employers. Concerning racial discrimination exercised by private employers, the Ombudsman found that there was a basis for considering whether Denmark's international obligations should be fulfilled through legislation.

44. The Ministry of Labour agreed that guidelines should be prepared as soon as possible for Employment Office staff reactions to racially discriminating demands from employers, and announced a bill on Prohibition against Differential Treatment on the Labour Market. Subsequently, an Act on Prohibition against Differential Treatment on the Labour Market was implemented. The Act, which entered into force on 1 July 1996, is discussed under article 5.

Article 5

Labour market

45. In June 1996 the Folketing adopted the Act on Prohibition against Differential Treatment on the Labour Market. The Act came into effect on 1 July 1996. The main objective of the Act is to implement the ILO Discrimination (Employment and Occupation) Convention (No. 111) and the International Convention on the Elimination of All Forms of Racial Discrimination on the labour market. The Act contains a general prohibition against discrimination on the labour market due to race, colour, religion, political belief, sexual orientation or national, social or ethnic origin.

46. Within the framework of initiatives for information campaigns, competitions and cooperation with the media will be undertaken with a view to achieving the objectives defined.

47. Unemployment continues to be at a disproportionately high level among ethnic minorities. As per 1 January 1996 there were about 220,000 foreign nationals living in Denmark which corresponds to about 4 per cent of the population. About three quarters were from countries outside Scandinavia, the European Union and North America. Many foreign citizens living in Denmark were born in Denmark, e.g. 35 per cent of the Turkish nationals. The labour market statistics are exclusively based on citizenship. Danish citizens may therefore be ethnic minorities with a need for special measures to get into the labour market, and on the other hand foreign citizens may be persons who have been living in Denmark for many years and who are well integrated.

48. Nearly 56 per cent of all Danish nationals are in the labour force, while only 50 per cent of the foreign nationals. Part of the difference may be explained by a different age distribution among Danish and foreign nationals. As per 1 January 1995 unemployment in Denmark was about

10 per cent of the total labour force. Nine per cent of the Danish nationals in the labour force were unemployed, while 28 per cent of the foreign nationals were unemployed. The breakdown will appear from the following percentages: 15 per cent of the Nordic nationals, 16 per cent of the EU nationals and 39 per cent of nationals from other European countries were unemployed. By way of example, 48 per cent of Turkish nationals in the labour force were unemployed.

49. The absolute fall in unemployment from 1 January 1994 to 1 January 1995 has been about 45,000 persons. Danish citizens have benefited relatively more from this fall in unemployment. Long-term unemployment has also fallen and, in particular, there has been a marked fall in long-term unemployment among Turkish nationals. At the same time employment has grown by 32,000 persons and foreign nationals have also benefited from this increase in employment.

50. Thus, it is possible to register a positive trend in the development of both employment and unemployment. The negative development of previous years seems to have come to an end. At the same time, it can be recorded that foreign nationals have benefited from the positive development during the past years as unemployment has fallen among all national groups. However, unemployment continues to be at a disproportionately high level among ethnic minorities. The Government has therefore initiated special measures targeted at integration of ethnic minorities into the labour market and at fighting against ethnic discrimination.

51. The Government has implemented an action plan to break down barriers on the labour market during the period 1993-1995. This plan comprised 18 initiatives within the labour market and education/training system. Some of these initiatives have been completed. Others are in the process of evaluation, while some are still going on.

52. The action plan to break down barriers is broadly targeted at the labour market. Within the framework of the action plan instruments have been provided for new projects aiming at improving intercultural understanding and facilitating the access of ethnic minorities to education/training and jobs. The projects have been implemented partly by private institutions and partly in cooperation between private and public institutions.

53. Continued training of the staff in the public employment service began as an experiment but is now a standing offer.

54. In recognition of the fact that ethnic minorities often have qualifications which cannot be directly transferred to the Danish education/training system, experiments have been introduced to test the qualifications of ethnic minorities. This makes it possible to identify their skills and qualifications and to supplement them with a view to attaining a training certificate. A number of special courses have taken place combining workshop training with lessons in the Danish language and practical training and better possibilities for the use of interpreters in connection with guidance activities have been introduced.

55. It is even more important that the regional labour market authorities are aware of their responsibility for the group of ethnic minorities and involve them in the regional labour market policy. As a consequence of the action plan ethnic minorities now form part of the ordinary planning system. This means that the regions draw up an annual plan for their activities and report on the measures that have been taken.

56. As a supplement to the action plan to break down barriers it was decided in 1996 to recruit special experts on immigrants in all the regional public employment services. This means a strengthening of the efforts in this field and makes it possible to build up a network for exchange of experience and inspiration. In the Greater Copenhagen Area where about half of the ethnic minorities in Denmark are residing about 10 experts on immigrants have been recruited by the public employment service.

57. In order to combat ethnic discrimination on the labour market the Government has also taken initiatives involving a number of ministries in order to collect experiences and discuss measures implemented by the different institutions. Within this framework it is discussed how the attitudes on the labour market can be changed so that the workplaces are opened up to ethnic minorities.

58. The Government has not made it a specific objective that the staff composition should reflect the composition of the population. During the period under review the focus has been on experiments with an ethnic staff policy and attempts to influence the attitudes of the recruiting authorities.

59. Similar deliberations are taking place at the local level and the second-largest municipality in Denmark, the municipality of Århus, has drawn up a plan for integration of ethnic minorities living in the municipality. Staff policy is an element of this plan.

60. In 1995 the Ministry of Labour issued a circular to the public employment service and the unemployment insurance funds on placement activities in relation to ethnic minorities. The circular provides that the public employment services must not comply with discriminatory wishes and requirements on the part of employers who contact the public employment service to fill a vacancy. This applies to both overt and indirect discriminatory wishes and requirements. By way of example, the public employment service should be aware of indirect discrimination on the part of employers making overly exacting linguistic requirements.

61. This also applies as regards the advertising that employers may make through the public employment service. If advertisements of jobs make overly exacting linguistic requirements in cases where this is not a condition for a satisfactory performance of the job, such an advertisement could be taken as a signal that the employer wishes in advance to exclude applicants belonging to an ethnic minority group, irrespective of whether or not they master the Danish language. Most jobs in Denmark require a minimum knowledge of the Danish language, but the existing rules (the Act on Prohibition against Differential Treatment on the Labour Market) seek to ensure that requirements as to the Danish language are not used for the purpose of a discriminatory exclusion of applicants.

62. Concerning a complaint filed with the Ombudsman in 1995 by the Documentation and Advisory Centre on Racial Discrimination alleging that the public employment service acted discriminatorily by complying with discriminatory wishes from the employers, see under article 4.

63. In order to improve information about the working environment situation of ethnic minorities the Directorate of the Working Environment Service has published two booklets which have been translated into a number of languages. One booklet addresses employers who have ethnic minorities among their staff. The second booklet addresses employees belonging to ethnic minorities and informs them about safety and health matters in the enterprise. The booklet also gives advice on the procedure to follow by a person who feels discriminated against due to his or her ethnic origin. Furthermore, the Ministry of Labour has published an information booklet about equality, which also deals with equal opportunities for disabled persons and ethnic equality on the labour market. The Ministry of Labour is in the process of producing a booklet concerning the Act on Prohibition against Differential Treatment on the Labour Market. The aim of this booklet is to inform employees and employers about their respective rights and duties under this Act.

64. The social partners also have a major responsibility as regards the fight against ethnic discrimination on the labour market. It is a positive sign that they have endorsed the Common Declaration of the European Union on the European Year against Racism which was adopted in Florence on 21 October 1995 (see below under art. 7).

Housing

65. The second phase of the work of the Urban Committee began in April 1995 when the Committee was extended to 12 members. Currently the following ministers are represented on the Committee: Minister for the Interior; Minister for Health; Minister for Culture; Minister for Economy; Minister for Finance; Minister for Research; Minister for Social Affairs; Minister for Ecclesiastical Affairs; Minister for Environment and Energy; Minister for Education; Minister for Housing and Building.

66. A general consensus exists in the Urban Committee that international conventions on human rights, including the International Convention on the Elimination of All Forms of Racial Discrimination, constitute the framework of the work of the Committee. Consequently, Danish citizens and foreign citizens are to be treated equally with respect to non-profit housing, the general housing market, etc. The Minister for Housing and Building, as chairman of the Committee, has several times and in several contexts stressed the importance of the Convention.

67. The point of departure for the current work of the Urban Committee is specific urban areas and not, as in the first stage between September 1993 and April 1995, resident composition in certain urban housing areas. Consequently, the question of immigrants and ethnic minorities on the housing market no longer has a specific priority. The current work of the Urban Committee is concentrated on "community upgrading projects" and "general urban political strategies".

68. Community upgrading projects contain the following key elements: rethinking physical urban planning in order to define new district borders; involvement of both public and private spheres of society; strengthening of local labour markets, local cultural life and local social networks; renovation of buildings and surroundings if necessary, including the principles of Agenda 21 concerning sustainable urban development.

69. As to general urban political strategies, the work contains a proposal on how to change the legislation concerning non-profit housing so that the municipalities can refer groups other than those with special needs to non-profit housing. Recently a bill on the amendment of the Act on Almene boliger (Public Housing) has been proposed. The bill implies amendment of Act No. 374 of 22 May 1996, paragraph 144, governing the way that a range of experiments in the field of renting and allotment of public housing will be carried out. In the explanatory memorandum to the bill it is stated that "the implementation of the system in practice shall respect international agreements and conventions on human rights, including the International Convention on the Elimination of All Forms of Racial Discrimination, and national prohibitions against racial discrimination". Further, it is stated that "the Ministry of Housing and Building shall see to it that each experiment is in conformity with the existing regulation. This is to be ensured in connection with the consideration of the concrete applications."

70. A recent survey by the Government's Committee on Copenhagen (Regeringens Hovedstadsudvalg) has shown that refugees are settled more evenly throughout Denmark than immigrants due to the established settlement procedure involving the refugee, the Danish Refugee Council, the municipality and a letter of accommodation. After the first 18 months of integration there is a tendency for the refugees to settle according to the same pattern as immigrants, that is in the cities and in residential areas in some of the most populated municipalities - and to an increasing extent in the public housing.

71. As to the reference in paragraph 52 of CERD/C/SR.1138 and paragraphs 62-68 in CERD/C/280/Add.1, the following information can be provided: the Ministry of Housing and Building was in agreement with the outcome of the judgement of 22 January 1991 by the High Court, as it was seen as a confirmation of the Ministry's perception of the existing legal situation. As the judgement did not lead to a change in the legal basis, no information was provided by the Ministry to the local authorities.

72. On 12 June 1995 a guideline concerning the interpretation of existing rules and regulations was issued by the Ministry of Housing and Building on the occasion of certain amendments to the existing legal basis. The Ministry used the occasion to, inter alia, underline the importance of respecting existing rules and regulations, in particular with respect to ethnic minorities on waiting lists for a vacant flat in social housing complexes with a high concentration of ethnic minorities. The distribution of vacant flats in social housing complexes must, as a general rule, be allocated according to the number of the tenant on the waiting list. The ethnic origin of the tenant is thus irrelevant.

Health

73. Any person with residence in Denmark has a right to receive medical treatment in case of health problems, regardless of race, colour, nationality or ethnic origin. This is stated in the Danish Acts on Health Insurance and Hospital Services. Foreign nationals present in Denmark who do not have residence in the country have a right to treatment in emergency situations.

74. With reference to the Act on Health Insurance, section 6 (6), the Minister for Health has issued a circular in which it is stated that patients can get interpretation assistance in connection with health services. Although patients who do not have Danish as their mother tongue are entitled to be assisted by an interpreter when using the Danish health services, this may very well be a difficult situation for patients as well as health personnel. Some patients will therefore choose family members - for example their children - as interpreters, which may cause misunderstandings as patients do not always wish to share their personal problems with other members of the family. This may also be the case in the presence of a professional interpreter as cultural barriers can be an obstacle to straightforward communication between the patient and the health personnel. With regard to some languages there is a lack of qualified interpreters with an in-depth knowledge of medical terms. Secondly - in cases of emergency - there may not be time to call in an interpreter.

75. It may be concluded that work with patients without a knowledge of Danish and with a different cultural background in many cases requires different human skills than traditionally considered necessary when working within the health services. However, there seems to be a growing awareness of the need to discuss the various issues in particular in connection with the health care of immigrants and refugees.

76. At the local level initiatives have been taken in order to counter problems arising from cultural barriers. As an example the gynaecological ward at Skejby hospital has held courses and seminars in order to improve the understanding of the cultural background of the above-mentioned groups and consequently prevent potential discrimination on account of race, religion, etc.

Social affairs

77. The Ministry of Social Affairs contributes to the integration of refugees and immigrants and to the fight against discrimination through a number of social-housing projects as part of the action plan which was adopted by the Urban Committee in October 1993. A total of approximately 100 social-housing projects have been started in 50 municipalities all over Denmark. The projects include both programmes for counselling offered to tenants and various social and cultural activity plans. Many of these projects are directed at either refugees and immigrants or at creating relations between the Danish and the non-Danish tenants in the concerned areas. It is not possible to tell exactly how many of the projects involve refugees and immigrants, but it is a relatively large number.

78. An example of an offer explicitly directed at refugees and immigrants is the mother-child projects where the women learn to speak Danish and are introduced to Danish society. Meanwhile, the children take part in a project to prepare them linguistically and culturally to start in a Danish kindergarten or a Danish school. An example of a project aiming to bring together Danish and non-Danish neighbours is dinners with Danish and ethnic food alternately, and musical evenings.

79. In some places bilingual caretakers are employed, and some municipalities have employed bilingual persons as so-called "out-reaching co-workers" in the concerned housing areas. In the spring of 1997, the National Association of Local Authorities in Denmark (Kommunernes Landsforening) and the National Association of Housing Associations in Denmark (Boligselskabernes Landsforening) will publish, on initiative of the Ministry of Social Affairs, a publication about the experiences with the integration of refugees and immigrants as part of the housing-social work. The target group for this publication will, among others, be the decision makers and employees in the local councils, tenant advisers and students at the various social and educational institutions.

Act on Prohibition against Differential Treatment owing to Race, etc.

80. The period under review has not seen any cases leading to conviction:

(a) In three cases, acquittals have been pronounced by the county court; none has been appealed;

(b) One case where charges have been brought is still under consideration in the county court;

(c) Two cases are still under investigation;

(d) In eight cases, the prosecution has not found that there were grounds for bringing charges.

81. There have been several cases where young immigrants have filed a complaint with the police because they had been refused access to discotheques, etc. owing to their skin colour. In the cases where charges have been brought the accused were acquitted, either because there was no evidence to prove that the refusal was due to race or the like, or because it was not possible to prove that the accused was the person who had given the refusal.

82. On 27 February 1996 the Documentation and Advisory Centre on Racial Discrimination filed a complaint against a fast food restaurant at Copenhagen Central Station for having refused to serve a number of persons. Furthermore, local police officers were accused of having given the staff of the fast food restaurant guidance which may have led them to believe that the rejection of certain customers was lawful. The case is still under investigation by the Copenhagen Police Department and the Public Prosecutor for Copenhagen.

Legislation on registers

83. As to the relationship between the legislation on registers and research projects within the field of racial discrimination raised during the examination of the previous report (see CERD/C/SR.1137-1138), the following clarification is provided.

84. According to section 2, subsection 3, of the Private Registers Act, the Act does not include registration which has only a scientific or statistical purpose. Registration of information for these purposes on strictly personal affairs of persons, including information on race, religion and colour, can take place only after prior notification to the Data Protection Agency. According to section 3, subsection 2, paragraph 3, of the Act, the Data Protection Agency is entitled to set conditions for the registers to protect the privacy of the persons registered. However, these conditions do not prevent the registration of data on race, religion, colour, etc.

85. In practice, the Private Registers Act is therefore not an impediment to scientific research within the field of racial discrimination as information on race, religion and colour for the purpose of a private research project can be lawfully registered after notification of the project to the Data Protection Agency, provided the registration is necessary to the carrying out of the tasks of the registers and guidelines are laid down for the establishment and running of the registers.

86. Public research registers where a computer is employed may only be established and used in accordance with the Public Authorities' Registers Act. Guidelines for the establishment and running of the registers shall be laid down. Draft guidelines for the registers shall be submitted to the Data Protection Agency for remarks. In this connection, the Data Protection Agency will make an assessment of which type of data the registers can cover (see sect. 9, subsects. 1 and 2, of the Act).

87. In accordance with section 9, subsection 2 of the Act, data on the strictly private affairs of persons, including data on race, religion and colour, may only be registered if such data are necessary to the carrying out of the tasks of the registers. The Data Protection Agency will assess whether the registration of such data is necessary to the completion of the tasks of the public authority in question.

88. The Data Protection Agency has by way of example not had any objection to the Social Research Institute establishing registers for a statistical and scientific examination of the integration of immigrant children into Danish society. The purpose of these registers is to procure data for a statistical and scientific presentation of the problems of the generation of immigrants who have spent most of their childhood and youth in Denmark in relation to education, work, housing, leisure time, social network, family, etc. In these registers are data on, inter alia, place of birth, citizenship, unpleasant experiences at school, religious activities, experiences of discrimination, unfamiliar appearance (hair, eyes, colour), social relations, etc.

Article 6

89. Reference is made to article 4.

Article 7

90. A large number of booklets and reports are published on the situation of ethnic minorities and to inform the ethnic minorities about Danish society, the integration process, etc. In cooperation with the Danish Refugee Council the Ministry of the Interior has issued various booklets concerning the possibilities in Danish society for refugees from the former Yugoslavia as well as a number of newsletters. Furthermore, the Ministry of the Interior and the Danish Immigration Service jointly issue "Nyhedsbrev om Danmarks Udlændinge" ("Newsletter about Denmark's Foreigners").

Education

91. Further to previous periodic reports (see CERD/C/280/Add.1, paras. 79 and 80), attention should be drawn to the following measures aimed at integrating refugees and immigrants.

92. Pre-school education. An amendment to the Act on the Folkeskole of spring 1996 has given the municipalities the possibility of offering Danish language instruction to bilingual children who have not yet commenced school. It is the aim to make it possible for the children to get proficiency in Danish so that they - when they commence school - can speak and understand Danish well enough to participate fully in the ordinary teaching and other activities of the school.

93. Vocational education and training. The Danish Ministry of Education manages a development programme within the field of vocational education and training. The aim of the programme is to enhance the vocational school's development efforts and to raise the quality of vocational education and training. The programme is divided into a number of target areas and priority themes. Integration of refugees and immigrants is one of the six priority themes. For the time being selected schools are carrying out projects which focus on developing methods for the voluntary introduction of vocational education whose contents meet the special needs and wishes of refugees and immigrants. The aim is to provide a more thorough knowledge of, for instance, Danish language and culture, mathematics, basic work skills and technologies.

94. The overall objective of the voluntary introduction is to provide a better background for the students so they may choose and complete the chosen education. The voluntary introduction takes from 5 to 40 weeks depending on the individual student's needs and wishes. After the completion of the voluntary introduction the student can choose among all the different vocations. Furthermore, and still within the framework of the programme, the State Institute for the Educational Training of Vocational Teachers, in cooperation with selected schools, is carrying out projects with the overall aim of enabling schools to provide better vocational and educational guidance which takes immigrants' and refugees' special needs and prerequisites into account.

95. Higher education. Eight institutions in Denmark for the training and education of educationalists and teachers within primary and lower secondary education (teacher/educationalist training colleges called Seminarium) have during the last two years added a course to their general education schedule specially aimed at persons with a foreign ethnic and language background. The philosophy underlying this initiative is to improve and encourage the employment of persons with a foreign ethnic background in kindergartens and schools and thereby diminish a possible culture gap between different cultures. Another aspect is that the initiative will strengthen the integrative elements in education in general. For the time being, it is too early to evaluate the outcome of this model.

96. As an innovation within Open Education, a new education programme as certified interpreter in typical immigrant languages, is being offered.

General

97. The Ministry of Education and the Danish Centre for Human Rights cooperate in initiating a plan for in-service teacher training at all levels concerning human rights, aimed also at anti-discriminatory measures.

Police training

98. In the basic training programme of the police, independent subjects within sociology/ethics/morals and human rights were introduced in 1995. The course in human rights relates to the prohibition against torture and raising the awareness about human rights in daily police work. In addition, the new basic training programme has introduced "Cultural sociology", incorporating the relationship of the police with ethnic minorities in the course.

99. A course on human rights is an integral part of module 1 in the basic training programme of the police, and the subject was included in the training course for the first time in the period from November 1995 to July 1996. Courses in human rights and cultural sociology as independent subjects in module 3 in the basic police training will be implemented for the first time in 1997 according to plan.

100. As part of the efforts to ensure that the composition of the police corps reflects that of the population, a local evening school has cooperated with the National Commissioner of Police to establish a preparatory course directed at ethnic minorities who are considering applying for admission to the Police Academy, but who do not have the requisite knowledge of Danish. The first course started on 1 February 1996 and lasted until the summer holidays. The participants were exclusively youths of ethnic minority origin. Five of these youths who concluded the preparatory course are participating in the current admission tests to the Police Academy.

101. On 19 August 1996 a new class started with a total of 12 students. Based on the assessment of the first course, it has been decided to permit Danish youths to participate in the course, the ethnic minority youths having stated a desire for a Danish contact interface. The course participants are now three fourth youths from different ethnic minorities and one fourth youths with a Danish background.

102. At the latest admission of students to the Police Academy a total of 128 persons were admitted, 7 of whom had an ethnic minority background.

103. The Training Centre of the Department of Prisons and Probate Service, which appoints new prison warders and shop foremen, advertises especially for applicants with a foreign ethnic background for vacant posts. So far the advertisements have yielded few responses. The Training Centre of the Department of Prisons and Probate Service also collaborates with external training centres on preparatory courses for second-generation immigrants and others who want to apply for a post as a prison warder.

Relations between the police and ethnic minorities

104. A working group under the Board for Ethnic Equality (Nævnet for Etnisk Ligestilling) has prepared a leaflet on the police in Denmark. The leaflet, which has come into existence in cooperation with the National Commissioner of Police and the Ministry of Justice, was published in the autumn of 1996. The leaflet addresses refugees, asylum applicants and other persons who come in contact with the Danish Refugee Council, the Danish Immigration Service, etc. The leaflet, which is in Danish, will be published shortly in Urdu, Serbo-Croatian, Turkish and Arabic.

105. Furthermore, in several police districts with major ethnic groupings, the police have taken various initiatives to improve relations between the police and ethnic minorities. The police are trying to establish cooperation and have a continuous dialogue with immigrant clubs, asylum centres and the like - not only with a view to preventing crime, but also as a confidence-building measure. An example of such cooperation was a meeting held in September 1996 between representatives of the Copenhagen police and a number of immigrant organizations. Both the immigrant organizations and the police had an opportunity to give an account of the different problems that may arise when the police come into contact with immigrants, including the young, so-called second-generation immigrants. The conclusion of the meeting was that in future similar meetings will be held at regular intervals, and that the establishment of a discussion forum for hearing acute problems between immigrant groups and the police will be considered.

Global Generation - the implementation in Denmark of the European Council campaign against racism

106. The Global Generation campaign was part of the European youth campaign "All different, all equal", which was launched on 10 December 1994 at the initiative of the Council of Europe. The Danish campaign took place from February 1995 until the end of March 1996. The overall objective of the campaign was to create greater knowledge, awareness and responsibility among young people and in this way change attitudes and prejudices. The target group was young people between the ages of 15 and 25. For the purpose of implementing the campaign in Denmark a national committee and an executive committee were appointed in the autumn of 1994. The national committee was made up of 46 representatives from various organisations and institutions.

107. The appropriation of a total of DKr 12 million was divided among a programme channelling resources into activities calling attention to the

problems, a programme for information, training and education, and an activity programme called "Get Closer". The latter received about half of the total appropriation. The objective of the activity programme was to support local, regional and national activities to stimulate the participation of young people from ethnic minorities in clubs, associations and cultural events. The activity programme supported activities which encouraged cultural exchange, the creation of tolerance and integration. Among the activities carried out were various debates, a play about racism, visits to asylum centres, regional campaigns, a bus tour against racism, television projects, cultural weeks, etc.

European Year against Racism

108. The Council of the European Union has decided to designate 1997 European Year against Racism. According to the decision the following activities shall be implemented at the national level:

1. Projects and events in connection with the themes of the European Year against Racism.

2. Information and advertising campaigns, including cooperation with the media.

3. Competitions highlighting achievements in the fight against racism, xenophobia and anti-Semitism.

4. The use of a common logo and a common slogan for the European Year in connection with awareness campaigns and events.

109. For the implementation of the European Year in Denmark a National Coordinating Committee has been appointed with representatives from the organizations involved in the fight against racism, xenophobia, anti-Semitism and intolerance. A small secretariat will be established in relation to the coordination committee. The Danish National Coordination Committee is going to meet for the first time in January 1997. The Danish Centre for Human Rights will be chairing the Committee. It is expected that the main focus of attention will be on stimulating and mobilizing the humanistic and artistic environments to create important contributions.

110. In connection with the campaign, the Ministry of the Interior has decided to arrange an authors' competition with a prize being awarded to the writer or poet who writes the best novel/short story/poem about the theme of the campaign, a children's book competition with a prize being awarded to the author who writes the best children's book about the theme of the campaign, a competition with a prize being awarded to the artist who draws the best comic strip about the theme of the campaign, a poster competition with a prize being awarded to the artist who produces the poster which best expresses the theme of the campaign. These competitions will be part of the activities and arrangements expected to be held in connection with the Year. Other activities will be instituted at the initiative of the coordination committee - or at the initiative of the many different associations and individuals working on the fight against racism and xenophobia.

111. The Ministry of the Interior has decided to give priority to applications concerning activities in connection with the European Year against Racism as regards the funds for experimental activities concerning refugees and immigrants, and the appropriation for cultural and information activities.

Board for Ethnic Equality

112. Denmark's last report (para. 82), explains that the Board for Ethnic Equality is expected to participate in informative work. The Board has done so by holding conferences and initiating studies, the results of which have subsequently been published.

113. In 1995 the Board held a conference on concepts in the minority debate. At this conference the Board dealt with the question of mediation in ethnic conflicts for the first time. A report of the conference was subsequently issued. After the conference, the Board had a study made on the mediation experience of other countries, and in December 1995 the Board held a hearing on the issue. Since then the Board has worked on the issue and has recommended to the Minister for the Interior that mediation projects be commenced in Denmark.

114. Besides the above-mentioned mediation study, the Board has published the following reports:

"Race og Ligebehandling" ("Race and Equal Treatment") by Lars Adam Rehof;

"Etniske minoriteter i kommunerne" ("Ethnic Minorities in Local Authorities") by Shahin Laghaei

"Praktikpladssituationen for etniske minoriteter" ("The Situation as regards Places of Practical Training for Ethnic Minorities") by PLS Consult

"Etnisk ligestilling og integration af etniske mindretal i Århus" ("Racial Equality and Integration of Ethnic Minorities in Århus") by Inger Bruun

Film Catalogue (catalogue of films made about and/or by ethnic minorities)

Police booklet (information about the police in Denmark).

In addition to the above publications the Board has had a study made on ethnic minorities and everyday life. The study is a presentation of ideas and a discussion paper on the difficulties in everyday life, racial equality, participation and peaceful coexistence. The study is to be published in the beginning of 1997.

115. In 1996 the Board focused on the old ethnic minorities and the problems which may arise in the next decade. Thus the Board held a conference on the subject in February and had a study made. The study is expected to be

published in January 1997. The Board expects to continue work on the issue in 1997. In May 1996 the Board held an international conference on multicultural cities. The conference was held with aid from "Copenhagen Cultural Capital of Europe 1996".

116. The Board's annual report for 1995 was published in December 1996. According to the wish of the Committee on the Elimination of Racial Discrimination substantial parts of the annual report are planned to be translated into English. Excerpts from the annual report will be forwarded to the Committee.

Knowledge of the Convention

117. Following the examination by the Committee on the Elimination of Racial Discrimination of Denmark's previous periodic report, the Ministry of the Interior published a summary of the observations of the Committee in "Nyhedsbrev om Danmarks udlændinge" ("Newsletter about Denmark's Foreigners"), No. 57 of 15 May 1996. The Ministry of the Interior will also in the future publish summaries of the observations of the Committee.

118. Shortly after the examination, the Ministry of the Interior held a meeting with the Board for Ethnic Equality on the observations of the Committee. The Board for Ethnic Equality has had the full observations of the Committee concerning Denmark's tenth, eleventh and twelfth reports translated into Danish.

119. The Documentation and Advisory Centre on Racial Discrimination has published a booklet on, inter alia, the International Convention on the Elimination of All Forms of Racial Discrimination in easy-to-understand language. The booklet contains a section on the possibility for individuals to file communications with the Committee on the Elimination of Racial Discrimination. The booklet is in the process of being updated and the new version is expected at the end of 1997.

Broadcasting

120. According to the Danish Broadcasting Act, the local boards must ensure that each area has comprehensive and versatile broadcasting when considering applications for a licence to broadcast locally. This demand may be fulfilled for instance when boards grant licences to ethnic minorities when an interest in broadcasting is shown. In a number of cases - especially in the big city areas - ethnic minority groups have a licence to broadcast locally. It is not unusual, for example, that grass-roots radios with several individual editorial offices also have one or more offices devoting their time to broadcasting by and for ethnic minorities.

121. It appears from the guidelines of the National Lottery and Football Pool for local radio stations that support is granted to experiments, projects and initiatives - including activities for special groups, such as minorities (ethnic, language and other). Since 1994 the Local Radio and Television Committee has granted project support to local radio for ethnic minorities.

The Danish implementation of the Convention concerning Greenland and the relocation in 1953*

122. On 5 June 1953 a revised Danish Constitution was passed. Section 1 of the Constitution provides that the Constitution shall apply to all parts of the Danish Realm. Greenland's colonial status was thus ended through full integration into the Danish Realm. The Constitution secured the Greenland population 2 out of the 179 seats in the Danish Folketing. By virtue of its general scope of application the Constitution put the Greenland population on an equal footing with the Danes and the Faeroese as Danish citizens.

123. By resolution 849 (IX), the United Nations General Assembly in 1954 approved the constitutional integration of Greenland into the Danish Realm and deleted Greenland from the list of non-self-governing territories.

124. Section 70 on discrimination of the Danish Constitution thus applies to Greenland (see CERD/C/280/Add.1, para. 24).

125. Special Danish legislation on the prohibition of discrimination on account of race, etc., Act No. 289 of 9 June 1971, which also aimed at making Danish ratification of the Convention possible, was extended to Greenland by Royal Resolution of 4 February 1972 (see CERD/C/280/Add.1, para. 67). The Convention entered into force on 1 August 1972 for all parts of the Danish Realm.

126. Within the unity of the Realm an extensive type of self-government was introduced for Greenland as per 1 May 1979. By the Greenland Home Rule Act the Danish Parliament has transferred legislative and executive powers to the Home Rule Authority, consisting of the popularly elected legislative local parliament (the Landsting) and the Home Rule government (the Landsstyre) elected by the Landsting. The Home Rule Act enabled Greenland to take over the responsibility for almost all fields of society appertaining exclusively to this community, at the same time securing transfer of Danish subsidies in capital-intensive fields.

127. On the powers and scope of Home Rule in Greenland reference is made to reports submitted by the Government of Denmark under article 40 of the International Covenant on Civil and Political Rights, (CCPR/C/1/Add.19, CCPR/C/37/Add.5, CCPR/C/64/Add.11, and to the third periodic report of Denmark on articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights, submitted in August 1996.

128. The Home Rule arrangement for Greenland as a part of the Danish Realm is territorially defined as the island of Greenland and the Greenland society, and has no criteria relating to ethnic origin. Danish citizenship and the rights and freedoms resulting therefrom are obtained by birth within the Realm (Denmark, Greenland and the Faeroe Islands) of Danish parents/mother.

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* See CERD/C/304/Add.2, para. 20.

129. In 1996 Denmark ratified ILO Convention No. 169 concerning indigenous and Tribal Peoples in Independent Countries. This Convention applies to the indigenous population in Greenland. Ratification was encouraged by the Home Rule authorities, thereby declaring that the Home Rule Act for Greenland fulfils the obligations of the Convention.

130. Under the agreement of 1951 between the United States and Denmark a United States military base was established in Thule in 1951, bordering on a Danish colony-station established in 1910 and a nearby hunters' settlement. In 1953, 30 families were relocated from the settlement partly to existing hunting settlements further north, but mostly to the then uninhabited hunting place Qaanaaq, which is now the centre of the municipality. This relocation was remedied by establishing 26 new houses for the families relocated and by building in Qaanaaq a school, a church, a hospital, administration buildings, a power station and road facilities appropriate for a village. These costs were funded on an approximate fifty-fifty basis by the Danish and the United States Governments.

131. A claim for compensation for the loss of hunting opportunities following the relocation was raised by the local hunters' council in 1960. Government archives are incomplete on this point, and it cannot be established exactly how this claim was treated. In 1963 a popularly elected municipal council was established, but claims were not repeated nor referred to by this council.

132. In 1985 claims for compensation were raised before the Danish authorities by the municipality. This led to the building of new houses instead of the original houses from the 1950s. The Danish Government and the Greenland government (the Landsstyre) further agreed to a coordinated plan to improve conditions for the Thule municipality vis-à-vis the military neighbour in order to remedy the inconveniences resulting from the existence of the military base. This plan was carried out in the period 1985-1986.

133. As part of the current dialogue between authorities of the Realm and the Home Rule authorities, the Danish Government and the Landsstyre have agreed to seek a solution concerning an improvement in the use of the military base for additional civilian traffic and to establish a civilian transit area funded by the Danish Government at the place from where the families were relocated in 1953. Negotiations with the United States are currently under way.

134. The measures mentioned above were decided by the Danish Government and from 1985 until today by the Danish Government and the Greenland government in unison. Legal action against the Prime Minister's Office to establish liability to pay damages for losses has been taken by a group of citizens in Qaanaaq in December 1996.

135. A detailed investigation of the facts of the relocation in 1953 and the developments until today has been carried out by a committee appointed by the Danish Minister for Justice and chaired by a High Court judge. In accordance with the terms of reference of this committee, the report as edited in 1994 does not address the question of liability to pay damages.

Reporting from Greenland*

Article 1

136. Reference is made to the third periodic report of Denmark submitted to the United Nations Human Rights Committee in accordance with articles 16 and 17 of the International Covenant on Economic, Social, and Cultural Rights, article 1.

137. As of 1 January 1996, the total population of Greenland amounted to 55,863 persons, of whom 48,679 were born in Greenland and 7,184 were born outside of Greenland. Most persons in the latter category are of Danish origin, whereas approximately 0.6 per cent of the total population - representing 35 different nationalities - do not have Danish citizenship. Within the category of people born outside Greenland, approximately 25 per cent have been living in Greenland for more than five years. The overall population figures show a decline as to persons born outside Greenland - from approximately 17.5 per cent in 1988 to 12.9 per cent by January 1996.

138. On 1 April 1995, the Greenland Home Rule Parliament (Landsting) established an ombudsman institution according to the Greenland Home Rule Parliament Act No. 7 of 13 June 1994. The ombudsman institution is similar to the Ombudsman of the Danish Parliament in that it acts as an independent body overseeing the public administration on behalf of the Greenland Home Rule Parliament. The primary function of the Ombudsman is to investigate complaints lodged against any public administration. According to the first annual report by the Ombudsman, covering the period from 1 April 1995 to 31 December 1995, 10 of 82 cases lodged with the Ombudsman were investigated by 31 December 1995.

139. In 1994, the Ministry of Justice in Denmark, in consultation with the Greenland Home Rule government (Landsstyre), appointed a joint Danish and Greenlandic commission to review the Greenland justice system over a period of three to four years. The primary task of the Justice Review Commission is to review Danish legislation on Greenland (the Greenland Criminal Code of 1954 and the Administration of Justice Act of 1951) and to propose measures of modernization and adjustments where appropriate in accordance with international human rights standards.

140. The Greenland justice system, although based on the Danish system and administered by the Danish authorities, has been developed in accordance with the standards and values of Greenlandic society and traditional Inuit legal practice and customary law with a strong emphasis on resocialization and the principle of extensive lay participation in the administration of justice.

141. The court system consists of 18 circuit districts (following the territory of the municipalities). Each district court has one lay district magistrate appointed by the Greenland High Court at Nuuk and two assessors elected by the municipal council. The lay district magistrates are usually

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* See CERD/C/304/Add.2, para. 20. This section is based on material received from the Greenland Home Rule authorities.

not trained lawyers, but receive some legal training through the High Court. The High Court is presided over by a High Court judge appointed by the Queen of Denmark. Decisions from the High Court of Greenland may be appealed to the Supreme Court of Denmark, with permission from the Minister for Justice of Denmark.

Article 2

142. In 1990, following the transfer of the right to negotiate collective bargaining agreements from the joint Danish and Greenlandic Det Offentlige Aftalenaevn to the Greenland Home Rule Government, the Greenland Home Rule Parliament adopted the Greenland Home Rule Parliament Act No. 5 of 14 May 1990 to replace the Greenlandic Civil Servant Act No. 168 of 27 May 1964, thereby eliminating the former "birthplace criterion" granting special rights and benefits to the non-native civil servants employed in the public administration - i.e. Home Rule and municipalities - and as such perceived as highly discriminatory.

143. As to paragraph 2, reference is made to the third periodic report of Denmark to the Human Rights Committee, article 2, stating that no legislation implied any kind of discrimination within the borders of Greenland in terms of race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status.

144. However, it should be noted that the Greenland Parliament Act No. 27 of 30 October 1992 on the regulation of the increase in the labour force in Greenland contains provisions ensuring that the local population has a right of priority in relation to jobs where the supply of Greenlandic labour is adequate. An employer must therefore contact the local labour market office to apply for permission to employ non-local manpower in such positions. Such permission will be granted if no Greenlandic manpower or manpower with special affiliation with Greenland can be provided via a job centre.

145. The Act places Greenlandic and other manpower on an equal footing in cases where a non-Greenlandic person has lived in Greenland for at least 7 out of the 10 years, or has special affiliation with Greenland, for example through family ties. The Act should also be seen in the light of Greenland's special status within the Kingdom of Denmark, where Greenland is regarded as an area which differs from the rest of Denmark in terms of language, culture and, in certain aspects, development. Like developing countries Greenland has special needs relating to the education and employment of the native population.

Article 4

146. According to paragraph 71 of the Greenland Criminal Code, a person who publicly or with the intent to disseminate to a greater circle expresses or in any other way proclaims a statement by which a group of persons is threatened, ridiculed, or demeaned because of race, skin colour, national, or ethnic origin or belief shall be sentenced

Article 5

147. Anyone who has Danish citizenship, meets the voting-age requirement to the Danish Parliament and has had permanent residency in Greenland for a minimum of six months before an election has the right to vote and stand for election to the Greenland Parliament.

148. As for elections to the municipal councils, village councils and parochial representations, anyone who meets the voting-age requirement for elections to the Danish Parliament, has had permanent residency in the concerned municipality for a minimum of six weeks before the election, or (a) has Danish citizenship and has had permanent residency in Greenland for a minimum of six months before the election or, (b) has had permanent residency within the Kingdom for a minimum of three years and has had permanent residency in Greenland for a minimum of six months before the election, has the right to vote and stand for election.

149. It should be noted in this regard, that the Greenland Home Rule Act, section 9 (1), proclaims that Greenlandic is the principal language while Danish must be thoroughly taught. Thus, Greenlandic and Danish are the official languages of Greenland. The Greenland Parliament sessions are conducted mainly in Greenlandic with simultaneous translation into Danish. According to Parliament's rules of procedure all documents must be made available to the public in both languages.

150. There is nothing in the law which prevents membership of a labour organization, the establishment of a labour organization or joint efforts by labour organizations. Likewise, there is nothing in the law which prevents collective strikes. However, such strikes are not allowed in the case of civil servants.

151. Collective agreements applying to all of Greenland have been made with about 35 labour organizations, of which most are based in Greenland. The two largest labour organizations are Sulinermik Inuutissarsiuteqartut Kattuffiat (SIK - The Greenland Labour Organization) and the Central Organization of Civil Servants and Contract Employees in Greenland (NAK).

152. Paragraph e (iii). Most housing facilities constructed in Greenland are partly or fully financed by public funds, i.e. by the Greenland Home Rule government and the municipalities in Greenland. This applies to rental housing, cooperative housing and single-family housing. The responsibility for housing was transferred from the Danish government to the Greenland Home Rule Government in 1987. Since then, the Home Rule government has laid down the rules in this area.

153. The objective in relation to housing in Greenland is that there should be a dwelling for each cohabiting couple, as well as a dwelling for all single people above the age of 20.

154. The construction of publicly financed housing is governed by Greenland Parliament Regulation No. 1 of 9 April 1992 concerning subsidies for the construction of housing and by Greenland Parliament Regulation No. 1 of

31 October 1991 concerning cooperative housing. The rental of dwellings is subject to Greenland Parliament Regulation No. 3 of 13 June 1991 concerning the rental of dwellings.

155. According to the former, the Cabinet can provide subsidies to the municipalities for the construction, expansion or renovation of rental dwellings. The condition for providing the subsidy is that the dwellings should be independent housing units without any luxurious characteristics and with commonly used installations. The housing unit should be adapted so that the units meet the needs of the different groups of appliers, be they single people, families or elderly people. A number of the units can be adapted to persons with disabilities, including wheelchair users. In rental housing units, subsidies are provided for families and individuals with children in order to reduce the rent. Ten per cent of the rent can be deducted from the rent for each child, the condition being that each child must be living at home and be under the age of 18. The rule applies to a maximum of six children. The subsidy is given without any consideration of the income of the parent(s).

156. According to the Greenland Parliament Regulation No. 1 of 17 October 1983, a housing subsidy can be given to persons who rent housing units as well as people who own subsidized dwellings provided that the income of the household is below a certain limit determined by the Parliament. A housing subsidy is provided on the basis of an assessment of the size of the household compared to the size of the housing unit and the amount of the rent compared to the income of the household.

157. Paragraph e (iv). When Greenland took over the health services from the Danish Government on 1 January 1992, Greenland adopted the objective of the World Health Organization, "Health for all by the year 2000". All citizens of Greenland must therefore be given the best possible opportunities for achieving a good standard of living by having access to the services offered by the health sector. As an element to achieve the objective of "Health for all by the year of 2000", a wide range of health services are offered free of charge. Health education in Greenland is being strengthened on an ongoing basis. The objective is to adapt education to conditions in Greenland, and at the same time ensure a high standard of health services.

158. The services provided by the health authorities in Greenland are regularly assessed and made more efficient and effective. After the takeover of the health services, the political objective has, inter alia, resulted in following Greenland Parliamentary Regulation:

(a) Greenland Parliament Regulation No. 8 of 30 October 1992, as revised on 31 October 1996, concerning health services, etc. This regulation establishes the overall guidelines for health services in Greenland and describes the services offered to citizens. This legislation also includes rules on the authorization of health sector personnel, rules concerning job areas to be covered by health staff and rules concerning vaccination, medicine and transport to hospitals;

(b) Greenland Parliament Regulation No. 7 of 30 October 1992, as revised on 31 October 1996, concerning the management and organization of the health sector contains overall guidelines for the organization and structure of the health sector, including parliamentary monitoring of the health sector. This legislation comprises rules on the division of the country into districts and the functions to be carried out by hospitals. In addition, rules have been laid down concerning district health boards, including a number of rules on preventive measures;

(c) Greenland Parliament Regulation No. 7 of 30 October 1995 concerning the authorization and activity of nurses is the first regulation of its kind where the Greenland Home Rule government itself educates and authorizes nurses. The legislation outlines the conditions for acting as a nurse in Greenland, how authorization as a nurse can be revoked and reissued and the general duties and responsibilities of nurses. In the long run, it is the intention that authorization of other medical personnel such as doctors, dentists, etc. also shall be subject to regulation by the Greenland authorities. At the moment this is taken care of by Danish health authorities.

(d) Greenland Parliament Regulation No. 1 of 4 January 1996 concerning the activities of the Chief Medical Officer, defines the organization of his office in relation to the Home Rule government and internally, the responsibility as adviser and to assist the Home Rule government's member for Health on medical affairs, to supervise the health staff and institutions according to current public health policy, and inform the public when special health issues makes this necessary. The Chief Medical Officer receives complaints from patients and forwards these to the National Health Complaint Board for final decision. Finally, the Chief Medical Officer has responsibilities within forensic medicine, socialized medicine and for certain hygienic and environmental tasks.

159. On this basis the Greenlandic health system renders public health services to all its citizens. In case of severe illnesses of patients living in towns or settlements along the coast, where local hospital resources do not suffice, the patients are transferred to the national hospital in Nuuk for treatment. In the most severe cases which cannot be handled in the national hospital either, the patient is then transferred to hospitals outside Greenland, preferably to Denmark where the Greenland Home Rule government has made agreements with a number of hospitals and institutions to receive patients from Greenland and where a patient can be accommodated. This includes psychiatric patients that have been committed to a psychiatric hospital by court order since there is no psychiatric ward to receive these patients in Greenland at the moment. However, during the parliamentary session in October 1996, the Greenland Home Rule government decided to commence the first steps in bringing these patients back to Greenland, including finding a proper location, education of relevant staff, etc.

Article 7

160. Education. The rules concerning primary education in Greenland are fully comparable to those applying to Danish State schools. Primary education in Greenland is governed by Greenland Parliament Regulation No. 10 of

25 October 1990 concerning primary and lower secondary education, as amended by Greenland Parliament Regulation No. 8 of 13 May 1993 and Greenland Parliament Regulation No. 1 of 1 March 1994.

161. According to Greenland Parliament Regulation No. 10 of 25 October 1990, language integration in primary and lower secondary education is now compulsory for all students, the purpose being to integrate students of Greenlandic origin and those of Danish origin in one class whereas in the past they were divided according to their first language. The aim of this policy is to integrate the students of Danish origin together with the students of Greenlandic origin linguistically, sociologically, culturally and socially. There was a trial period of three years in which a review was conducted that concluded that the policy had achieved postive results. The policy was made permanent in 1994.

162. According to sections 32 and 34, any child living in Greenland is subject to compulsory education as from the year in which the child reaches the age of six and for the nine years thereafter. In addition, according to section 33, the compulsory system implies a duty to participate in the education provided by the primary and lower secondary State education system, or education equivalent to the standards of the primary and secondary State education system.

163. According to section 13 of the Greenland Parliament Regulation, upon request, a student may be exempted from classes of Christian studies if his or her parents declare in writing to the head of the school that they are willing to ensure religious education of the child themselves.

164. In Greenland, secondary education mainly means vocational training and education, governed by legislation, including Greenland Parliament Regulation No. 16 of 28 October 1993 concerning vocational training and education, education grants and occupational counselling. According to section 3 of the Greenland Parliament Regulation, vocational training and education are available to all individuals who meet the stipulated requirements for admission, who have been residents of Greenland, or have had permanent residency in Greenland for at least 10 years, and who have not been residents outside Greenland for more than 3 years.

165. In Greenland, higher education means further education. This kind of education is governed by Danish Parliament Act No. 582 of 29 November 1978 concerning vocational training and education.

166. The Greenland Home Rule government offers secondary education in pursuance of Danish Parliament Act No. 431 of 13 June 1990 concerning upper secondary education, etc., and Greenland Parliament Regulation No. 108 of 17 February 1992. In addition, higher education is offered in the following areas in Greenland:

(a) Health assistants and nurses (Danish Parliament Act No. 9 of 13 May concerning the education of health assistants and nurses);

(b) Journalists (Greenland Parliament Regulation concerning the education of journalists);

(c) Primary and lower secondary school teachers (Greenland Parliament Regulation No. 1 of 16 May 1989 concerning the education of teachers for primary and lower secondary education and social education);

(d) Social workers (Greenland Parliament Regulation No. 1 of 16 May 1989 concerning the education of teachers for primary and lower secondary education and social education);

(e) Social educationalists (Greenland Parliament Regulation No. 1 of 16 May 1989 concerning the education of teachers for primary and lower secondary education and social education);

(f) University education (Greenland Parliament Regulation No. 3 of 9 May 1989 concerning Ilisimatusarfik).

Common to all these types of education is that they are free of charge for students and open to everyone who meets the specific admission requirements.

167. Students in Greenland may apply for admission at institutions of education both in Denmark and Greenland. In relation to admission to Danish educational institutions, applicants from Greenland apply on equal terms with Danish applicants. As explained below, study grants are provided for students admitted to Danish educational institutions.

168. According to section 6 of Greenland Parliament Regulation No. 16 of 28 October 1993 concerning vocational training and education, education grants and occupational counselling, study grants are provided for types of education designated by the Home Rule government. At present, study grants are provided for all types of education listed in Sunngorlangatog/Education Key and in Periarfissat/Education in Denmark (see sect. 1 of Home Rule Order No. 17 of 3 July 1995 concerning study grants). However, the Ministry for Culture, Education and Ecclesiastical Affairs may decide that other types of education should be eligible for study grants as well. In addition, grants may be provided for continued education, i.e. the general school-leaving examination (FSA), the advanced school-leaving examination (FSUA) and the higher preparatory examination (HF).

169. The following requirements must be met in order to obtain study grants: Danish citizenship; permanent address in Greenland in relation to education in Greenland; permanent address in Greenland at the time of the application and residence in Greenland for at least five years prior to the application, or permanent residency in Greenland for at least 10 years, with no more than 3 years spent outside Greenland.

170. Subjects such as racial discrimination are recommended to be used in the curriculum, for example in the curriculum for English at the primary and lower secondary level (Greenland Parliament Regulation No. 15, 1987).

171. Culture. The legislation in force in Greenland does not contain any provisions limiting the right to take part in cultural life. There is freedom of association.

172. Several nationwide artistic and cultural organizations, institutions and associations receive grants provided by the Fiscal Budget Act adopted by the Greenland Home Rule Parliament under the headings of the other leisure activities, culture, and general education and public information. The account for "cultural initiatives" is used for grants for all kinds of cultural activities. Grants are typically given to cultural organizations and associations or to individuals for special projects. The account for "support to artists" is used for work grants to artists in the areas of visual art, literature, music, arts and crafts, artistic design and cultural research. The Greenland Home Rule government also provides grants for meeting facilities and community centres, as well as to Greenland community centres in Denmark. Grants are provided to local artists and cultural organizations in pursuance of Greenland Parliament Regulation No. 5 of 9 April 1992 concerning leisure activities.

173. Libraries in Greenland (Greenland Parliament Regulation No. 4 of 15 September 1979 concerning libraries) must promote information, education and cultural activities by placing books and other suitable material at the disposal of all interested parties free of charge and by carrying out information activities. When selecting materials, libraries must place emphasis on quality, versatility, and topicality: No political or religious censorship is allowed.

174. Formal Nordic and international cooperation on culture is ensured through, for example, Greenland's membership of the Nordic Council, the Nordic Council of Ministers, and the Inuit Circumpolar Conference. In addition, Greenland has entered into a number of cooperation agreements concerning education and culture, for example with the territorial government of the Northwest Territories and the provincial government of Quebec, Canada. In 1993, the Greenland Home Rule government entered into a formal cooperation agreement with the Arctic Winter Games International Committee concerning Greenlandic participation in the culturally orientated sport events arranged by the Arctic Winter Games every second year. Cultural cooperation between Greenland, Iceland and the Faeroe Islands was entered into formally in September 1996.

175. Regarding cooperation at the institutional level, the formal or statutory objectives of a number of institutions in Greenland involve cooperation with Danish and foreign institutions and/or the dissemination of knowledge of Greenlandic culture to other countries. In addition, extensive cultural cooperation takes place at the institutional and administrative level.

176. There is freedom of religion in Greenland. The Lutheran Church of Greenland is part of the Danish Lutheran Church operating independently. The Church is financed through the annual fiscal budget.

177. Information. Kalaallit Nunaata Radioa (KNR) is an independent public institution entitled and obliged to broadcast radio and television programmes, including news programmes, informative programmes, entertainment programmes, and programmes on art. When deciding on the range of programmes to be broadcast, emphasis must be placed on objectivity and impartiality. Special emphasis must be placed on the requirement of freedom of information and speech.

178. A regulatory statute has been drafted on the media. An Accountability Law for Greenland will come into force 1 March 1997.